



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Antoine (Ballentyn)  
Singletary, Fire Fighter (M1574T),  
City of Trenton

List Removal Appeal

CSC Docket No. 2019-2057

**ISSUED: APRIL 17, 2020 (SLD)**

Antoine (Ballentyn) Singletary appeals the City of Trenton’s (Trenton) request to remove his name from the eligible list for Fire Fighter (M1574T), on the basis that he failed to complete preemployment processing.

The appellant, a non-veteran, took and passed the open competitive examination for Fire Fighter (M1574T), which had a closing date of August 31, 2015. The resulting eligible list promulgated on March 11, 2016 and expired on March 28, 2019.<sup>1</sup> The appellant’s name was certified to the appointing authority on April 10, 2018. In disposing of the certification, the appointing authority requested the removal of the appellant’s name on the basis that he failed to complete preemployment processing. Specifically, the appointing authority indicated that it sent letters via regular mail to the appellant, one dated May 18, 2018, which requested that candidates indicate their continued interest in the position and one dated June 6, 2018, which notified candidates to appear for preemployment processing on June 19, 2018. The appointing authority noted that both letters were returned to it and submits the envelopes as evidence. The May 18, 2018 letter was returned by the United States Postal Service (USPS) as “unclaimed, unable to forward.” It is noted that the label from the USPS cover the area of the envelope where the state and zip code of the appellant’s address would be written. The June 6, 2018 letter was returned as “not deliverable as addressed, unable to forward.” It

<sup>1</sup> The original expiration date of March 10, 2018 was extended to March 28, 2019.

is noted that the envelope for the June 6, 2018 letter does not list a zip code for the appellant.<sup>2</sup>

In support of his appeal to the Civil Service Commission (Commission), the appellant submits a sworn, notarized statement indicating that he did not receive any letters from the appointing authority. Moreover, he asserts that his address remains the same.

The appointing authority, despite being provided the opportunity, did not present any arguments or documentation for the Commission's review.

### CONCLUSION

*N.J.A.C.* 4A:4-4.7(a)6 provides that an eligible's name may be removed from a list for "non-compliance with the instructions listed on the notice of certification." *N.J.A.C.* 4A:4-6.3(b), in conjunction with *N.J.A.C.* 4A:4-4.7(d), provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove her name from an eligible list was in error.

The appointing authority requested the removal of the appellant's name from the eligible list for Fire Fighter (M1574T) on the basis of his failure to complete preemployment processing by not responding to the April 10, 2018 certification. However, the documents submitted by the appointing authority confirm that the appellant did not receive the letters as they were returned by the USPS to the appointing authority. Although the Commission is unable to determine whether the May 18, 2018 letter was mailed to the correct address, it is clear that the address on the June 6, 2018 letter was deficient as it did not contain the appellant's zip code. Additionally, the record establishes that the appellant's correct and complete address was provided to the appointing authority on the certification. Moreover, the appellant has submitted a sworn, notarized statement, attesting to the fact that he did not receive any letters from the appointing authority. Thus, it is appropriate that his name be restored to the subject eligible list.

### ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Fire Fighter (M1574T), Trenton be revived in order for the appellant to be considered for appointment at the time of the next certification for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

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<sup>2</sup> Agency records indicate that the appellant's correct and complete address was listed on the certification.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 15<sup>TH</sup> DAY OF APRIL , 2020

*Deirdre' L. Webster Cobb*

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